

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

MTGLQ INVESTORS, L.P.
Plaintiff

v.

2:19-cv-00353-JAW

DIANA P. DRACHENBERG
Heir to the Estate of Eleanor M. Philpot

and

LYNDON W. PHILPOT
Heir to the Estate of Eleanor M. Philpot

Defendants

JUDGMENT OF FORECLOSURE AND SALE
TITLE TO REAL ESTATE IS INVOLVED

87 Albion Road, Windham, Maine 04062
Cumberland County Registry of Deeds Book 23445, Page 80

Upon notice and Motion of Plaintiff, the Court finds as follows:

1. The Plaintiff is the owner and holder of a certain promissory note in the original principal amount of \$215,920.00 given by Eleanor M. Philpot to Residential Mortgage Services, Inc. (the "Note"). Plaintiff is the owner and mortgagee of record of a mortgage recorded in the Cumberland County Registry of Deeds in Book 23445, Page 80 (the "Mortgage"), affecting real property located at 87 Albion Road, Windham, Maine 04062 more particularly described in the legal description attached to the Mortgage (the "Premises") a true copy of which description is attached hereto as Exhibit A.

2. There has been a breach of the conditions of said Mortgage as a result of a default on the Note secured thereby.

3. Defendants have not answered or otherwise appeared in this action, and mediation thus is not required by 14 M.R.S. § 6321-A.

4. As of March 31, 2021, the following amounts, exclusive of fees and costs for preparation of and filing of a judgment motion, are owed to Plaintiff under the terms of the Note and Mortgage:

Principal	\$192,915.93
Interest	96,879.43
Late Charges	2,209.50
Appraisal/BPO	220.00
Title Charges	162.00
Inspections	1,343.50
Property Preservation Expenses	7,370.26
Prior Servicer Fees	384.00
Attorney's Fees/Costs	6,898.95
Escrow Overdraft	35,055.92
Total	<hr/> \$343,439.49

Additional pre-judgment interest is accruing and post-judgment interest will accrue at a rate of 7.25% per annum in accordance with the Note and § 1602-B. Plaintiff has foregone any right to a higher interest rate that may be allowable under 14 M.R.S. § 1602-C. Additional attorney's fees, real estate taxes, costs and amounts advanced to protect the security of the Mortgage may continue to accrue through the date of redemption or sale and the completion of these proceedings.

5. Eleanor M. Philpot died on January 7, 2015, leaving her two children, Diana P. Drachenberg and Lyndon W. Philpot, as her sole heirs at law.

6. The order of priority of any party appearing in this action is as follows:

First Priority: The Mortgage held by MTGLQ Investors, L.P. recorded in the Cumberland County Registry of Deeds in Book 23445, Page 80. The amount due Plaintiff is as set forth above.

7. The following parties were named in this action but did not answer or otherwise appear:

Diana P. Drachenberg

Lyndon W. Philpot

U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank National Association, as Trustee for Saco I Trust 2006-4, Mortgage Pass-Through Certificates, Series 2006-4

8. There are no public utility easements affected by this action.

9. The names and addresses (if known) of all parties to this action and their counsel of record are identified as follows:

- a. MTGLQ Investors, L.P.
c/o NewRez LLC, d/b/a Shellpoint Mortgage Servicing
55 Beattie Place, Suite 110, MS 005
Greenville, SC 29601

Counsel: Carrie Folsom, #9510
Korde & Associates, P.C.
707 Sable Oaks Dr., Suite 250
South Portland, ME 04106
(207) 775-6223

- b. U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank National Association, as Trustee for Saco I Trust 2006-4, Mortgage Pass-Through Certificates, Series 2006-4
60 Livingston Avenue
St. Paul, MN 55107

Counsel: None known

- c. Diana P. Drachenberg
111 Perry Road
Bristol, CT 06010-7876

Counsel: None known

- d. Lyndon W. Philpot
165 Pope Road
Windham, ME 04062-4254

Counsel: None known

10. The docket number for this action is 2:19-cv-00353-JAW.

11. All parties have received notice of these proceedings in accordance with the applicable provisions of the Maine Rules of Civil Procedure, Federal Rules of Civil Procedure, and any order of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that:

a. Judgment of Foreclosure and Sale is hereby entered in favor of MTGLQ Investors, L.P. If Diana P. Drachenberg and Lyndon W. Philpot do not pay to Plaintiff, its successors and assigns, the amount of Plaintiff's total claim due as set forth above within the statutory 90-day period of redemption

established by 14 M.R.S. § 6322, then MTGLQ Investors, L.P., its successors and assigns, shall sell the Premises pursuant to 14 M.R.S. § 6321 et seq., and shall disburse the proceeds of the sale, after deducting the expenses thereof, in the following order:

First, to MTGLQ Investors, L.P., its successors and assigns, as set forth above;

Second, the surplus proceeds, if any, to the Clerk of Court for the benefit of Diana P. Drachenberg and Lyndon W. Philpot in accordance with 14 M.R.S. § 6324.

b. The sole liable party, Eleanor M. Philpot, as the sole signer to the Note, is deceased as aforesaid, and the time within which any claim must be made against her Estate has passed, and Diana P. Drachenberg and Lyndon W. Philpot being her sole heirs at law but not otherwise obligated under the terms of the Note, Plaintiff specifically stipulates that there is no claim for a deficiency judgment, either against the Estate of Eleanor M. Philpot or against neither Defendant Diana P. Drachenberg nor Defendant Lyndon W. Philpot

c. All remaining rights of Diana P. Drachenberg and Lyndon W. Philpot to possession shall terminate upon expiration of the statutory ninety (90) day redemption period. If Diana P. Drachenberg and Lyndon W. Philpot have not redeemed the mortgage by that date, Diana P. Drachenberg and Lyndon W. Philpot are ordered to vacate the real estate at that time, and a Writ of Possession shall issue to Plaintiff for possession of the real property upon application for the same.

d. The Court specifically finds that there is no just reason for delay of the entry of final judgment for the relief requested in Plaintiff's complaint, and the Clerk is directed to enter this Order as a final judgment pursuant to Rule 54.

e. If an appeal is not filed and the Clerk has so certified, MTGLQ Investors, L.P. shall be responsible for recording an attested copy of this judgment in the Cumberland County Registry of Deeds and paying the recording fee.

f. Pursuant to Rule 79(a) this Order may be incorporated by reference on the Civil Docket.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 13th day of July 2021